

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINANathaniel Gold

[Enter the full name of the plaintiff in this action]

Civil Action No.

(to be assigned by Clerk)

v.

Lt. Andrew Hayes (St. Matthew Police)
Judge. Robert Hill Lake (St. Matthews Magistrate)
Richard Murphy, OFC (SMPD)
Edgar Williams, OFC (SMPD)COMPLAINT
State Prisoner

Enter above the full name of defendant(s) in this action

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes No

B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff: Nathaniel Gold

Defendant(s): Chief, Capers Wannamaker and Judge, Thomas Randolph Jr

2. Court: South Carolina District Court

(If federal court, name the district; if state court, name the county)

3. Docket Number: 5:11-476-HMH-JRM

4. Name(s) of Judge(s) to whom case was assigned: Joseph R McCrorey

5. Disposition: Pending

(For example, was the case dismissed?Appealed? Pending?)

6. Approximate date of filing lawsuit: March 28, 2011

7. Approximate date of disposition:

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II. PLACE OF PRESENT CONFINEMENT

A. Name of Prison/Jail/Institution: Orangeburg - Calhoun Regional Detention Center

B. What are the issues that you are attempting to litigate in the above-captioned case? false Warrant and arrest.

C. (1) Is there a prisoner grievance procedure in this institution? Yes _____ No _____

(2) Did you file a grievance concerning the claims you are raising in this matter? Yes _____ No _____
When _____ Grievance Number (if available) _____

D. Have you received a final agency/departmental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes _____ No _____

E. When was the final agency/departmental/institutional answer or determination received by you? _____
If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.

F. If there is no prison grievance procedures in this institution, did you complain to prison, jail, or institutional authorities? Yes _____ No _____

G. If your answer is YES:

1. What steps did you take? _____
2. What was the result? _____

III. PARTIES

In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: Nathaniel Gold Inmate No.: _____
Address: P.O.Box 9000/1520 ELLIS ave Orangeburg, SC 29116

In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: Andrew Hayes Position: Lt. / Chief
Place of Employment: St. Matthews Police Dept.

C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

Judge Robert Hill Lake, St Matthews Magistrate
Ofc. Richard Murphy, St Matthews Police Dept
Ofc. Edgar Williams, St Matthews Police Dept

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

On March 17th, 2011 Lt. Andrew Hayes and Judge Robert Hill Lake of the St Matthews Magistrate knowingly and willingly reserved false and illegal warrant (G-290140) for Assault and Battery 3rd Degree on me, Nathaniel Gold (Plaintiff) in the St. Matthews Magistrate Office, Once again violating my 4th Amend. rights and is double Jeopardy. On March 17, 2011, at approx. 9:30 am, a ~~Officer~~ Officer from the St Matthews Police Dept came and got me and another inmate from the Orangeburg - Calhoun Detention Center and transported me with the other inmate to the St. Matthews Magistrate Office. I asked the Office why am I ~~going~~ going to St Matthews, the Officer states that he didn't know what I was being to St Matthews for, that Lt. Hayes and Judge, Lake said for him to bring me to the Magistrate Office. When we arrived to the Magistrate Office in St Matthews, Judge, Lake and Deputy from the Calhoun County Sheriff office was inside waiting. I asked Judge, Lake why was I brought to St Matthews for, he stated that Lt. Hayes is on his way to the Office to talk to me. Judge. Lake proceeded to do the the bond Hearing for the other inmate. As Judge. Lake was finishing the bond hearing, Lt. Hayes walks in the Magistrate Office. He stops to a table, gets a pen from the ~~Deputy~~ and signs his name on the line over ~~signature~~ of Constable/Law Enforcement Officer under the return section of a Copy of warrant (G-290140), under My name, dated 10-6-10, which I do have the Original.

IV. STATEMENT OF CLAIM - continued.

Copy where the arresting officer didnt sign- Lt Hayes than walk over to me and states that he is doing me a favor, that the warrant wasnt properly served on me the first time and that the Solicitor, Brian Jeffries of Calhoun County wanted for him to reserve the warrant (G-290140) on me and give me a bond and fax the paper work to him so that he can rap all the charges up in one so that he can dismiss all of my charges at one time in General Sessions March 28, 2011. Lt. Hayes stated that Solicitor Brian Jeffries was going to dismiss the Assault and battery charges with the charges that I caught when St Matthews Police and Calhoun County Sheriff's served the false warrant on me the first time (Oct 6, 2010) on March 28, 2011 but he didnt do that. I stated that somthing wasnt right with what they was doing. Judge Lake, Lt. Hayes and the Deputy walked into the cubical where Judge Lake desk and Computer is Located. Judge Lake sits to his computer and Lt Hayes and the Deputy stood in there, going through paper work, try to back track and put a PR bond for warrant (G290140) with my other bonds I received Oct 7, 2010 on other charges. I ask Judge Lake why didnt he give me a bond or a Court date for the charge when I came up for my bond hearing Oct 7, 2010. He stated that he didnt know why (which is odd to me). I didnt feel that what they was doing was right and thats when asked for the to stop what they was doing, that I wanted to talk to my lawyer (Diana Holt), that I didnt trust what they was doing and

IV STATEMENT OF CLAIM-continued.

that I was already served that warrant Oct 6, 2010. Judge Lake says to me that he going to do it anyway. Lt. Hayes then tells me that I need to calm down that they are doing me a favor. I state that I dont want no favors from them and that want for them to stop what they was doing untill I talk to my Lawyer first because I feel that what they was doing was right and that they do not suppose to serve me the same warrant. Judge Lake than states to me, as of March 17 2011 I am reserverd the warrant and given a PR bond. Lt. Hayes hands me a copy of the warrant, I refused to take the copy and asked for the officer to take me back to the jail. As we was back in Orangebure about 2 mins away from the Detention center, Lt. Hayes radioed in for the Officer to bring me back St Matthews. I told the officer that I didnt wants to go back to St Matthews. He said that he had to, that it was a order. We went back to the Magistrate office where Judge Lake was trying to get me to sign the form saying that I received a PR bond. I refused to sign it. Judge Lake tryed many attempts to get me to sign. I still refused to sign anything. I, Nathaniel Gold still has not received a court date or resolved warrant (6-290140) assault and battery 3rd degree. When I was arrested with the same warrant, Oct 6, 2010, the warrant was not filed with the Clerk of Court. Judge Robert Hill Lake is the Magistrate Judge that failed to give me a bond or a

Complaint state Prisoner
Revised October 3, 2007

IV STATEMENT OF CLAIM - continued.

Court date for warrant (G-290140) Assault and Battery 3rd degree Oct 7, 2010. Warrant (G-290140) was filed with the Calhoun County Clerk of Court, Kenneth Hasty March 18th, 2011, 2:05 PM. The date 10-6-10 scratched out, date 3-17-11 put ~~beside~~ it and Lt. Hayes Signature with a bond check List stating that I was informed with all my rights and right to a preliminary hearing with ten days in writing or orally, March 17, 2011 with Judge Robert Hill Lake signature on it. The checklist state that the Defendant must be provided a completed copy of checklist, and that Defendant must be informed of right both orally and in writing, also if a case is going to General Sessions defendant have rights to a preliminary hearing. Judge Lake did not have a bond hearing proceeding nor did he informe of none of these rights orally ^{nor} ~~and~~ in writing March 17, 2011 to me. I was just reserved warrant (G-290140), with no bond hearing. I was not informed of no rights and was not givin a copy of no checklist orally nor in writing in the St. Matthews Magistrate office by Judge Robert Hill Lake March 17, 2011. There is no document of a bond hearing for me Nathaniel Gold for warrant (G-290140) Assault and Battery 3rd degree. I would also state that the charge is going to General Session which is checked on the check list. I received a copy of warrant and checklist from the Calhoun County

IV STATEMENT OF CLAIM - Continued

Clerk of Court, Kenneth Hasty April 21, 2011 by mail. The directions on checklist states, Magistrate and Municipal Court Judges must use checklist for all General Sessions and for all Magistrate and Municipal Court cases in which Bond has been set by a Judge. The Judge shall attach this checklist to the warrant when the defendant first appears before a Judge for a bond hearing or first appearance, complete the appropriate sections. Defendant must be provided a complete copy of form. Judge Robert Hill Lake did not have a bond hearing for me nor gave me a copy of a checklist. Lt Andrew Hayes reserved me with the warrant, and Judge Lake verbally told me that he is giving me a PR bond. I left the Magistrate office and was brought back to the office by the officer from the St Matthew Police Dept, where Judge tryed to get me to sign some paper stating the conditions of the PR bond. I refused to sign and was taken back to the detention center on March 17, 2011. I am seeking legal action for the reserving of a false illegal warrant, False imprisonment, and ~~Harassment~~ Harassment. For the record, I've sent the District Court both copy of Warrant (6-290140) and Letter to Judge Lake.

V. RELIEF

State briefly and exactly what you want the court to do for you.

I would like to sue Lt. Andrew Hayes, Officer Richard Murphy and Judge Robert Hill Lake for \$50,000 apiece for there role in serving and reserving of a false warrant, false arrest and double jeopardy and compensation for each day I spent in jail. I would like for the state to dismiss my charges that I caught when the false warrant was served the first time, Oct 6 2010 which is "the fruit of the poison tree"! violating my 4th Amend right. I would also like to sue OFC Edgar William for the same; \$50,000 for his role in on the warrant (G-290140)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28th day of April, 20 11.

Nathaniel Gold

Signature of Plaintiff

5290140
140

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

SOUTH CAROLINA

 Municipality of

Calhoun

 County/ Municipality of County/ Municipality of

D. Williams

Calhoun

who

Personally appeared before me the affiant C. Wannamaker D. Williams who
being duly sworn deposes and says that defendant Nathaniel Ravon Gold did within this county and state on or about 10/05/2010 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Calhoun) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 3rd degree

Address:

104 Carr Street

Saint Matthews, SC 29135-

Phone: M Race: B SSN: 247-43-8335
Sex: M Height: 5'10 Weight: _____
DL State: SC DL #: _____

DOB: 11/16/1979Agency ORI #: SC0090200

Prosecuting Agency: St. Matthews Police Department
Prosecuting Officer: C Wannamaker - 5005
Offense: Assault / Assault & Battery 3rd degree

Offense Code: 34-14Code/Ordinance Sec: 16-03-0600(E)(1)This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of The accused
is to be arrested and brought before me to be dealt with according to the law.

Date: _____
Signature of Judge _____

I further state that there is probable cause to believe that the facts: On the above date, the victim stated that the Defendant slapped him in the face knocking him to the ground and was kicked in the ribs leaving marks on his rib cage area. The victim was taken to TRMC for medical treatment.

STATE OF SOUTH CAROLINA
 County/ Municipality of Calhoun

Signature of Affiant
Affiant's Address: PO Box 172
Affiant's Telephone: St. Matthews, SC 29135-

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/5/2010 defendant Nathaniel Ravon Gold did violate the criminal laws of the State of South Carolina (or ordinance or _____) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 3rd degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me

on 10/06/2010

(S.)

Judge's Address

Post Office Box 663
Cameron, SC 29030-

Signature of Issuing Judge

Thomas Randolph Jr

Judge Code: 7160Judge's Telephone: (303)823-2266Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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ORIGINAL

5:11-cv-00476-HMH

A copy of this arrest warrant was delivered to defendant Nathaniel Gold on 10-06-10

Signature of Constable/Law Enforcement Officer

Judge Robert Hill Lake
St Matthews Magistrate
P.O. Box 191 / 1623 Bridge St
St Matthews, SC 29135

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RE: Warrant (6-290140), Assault and Battery 3rd degree executed and served Oct. 6 2010 and reserved Mar 17, 2011 by St Matthew Police Dpt.

Dear Judge Lake

I am writing you about the reserving of warrant No. 6-290140 for assault and battery 3rd degree. You never gave me a bond hearing for warrant and you never gave me a copy of a Checklist stating my bond proceeding, my right to a trial, condition of a bail bond order or the right to a preliminary hearing if my charge was going to General Sessions in writing or orally. I was suppose to be informed of these ~~rights~~ rights by both orally and in writing and giving a copy of a checklist on March 17, 2011. A bond hearing was not held March 17, 2011. You and Lt. Hayes reserved the false warrant on me again in your office March 17, 2011, which is double jeopardy and violates my 4th Amend rights. You did not do a bond hearing for the charge on March 17, 2011. You filed a copy of a checklist with the Calhoun County Clerk of Court, Kenneth Hasty March 18, 2011 at 2:05 pm with warrant 6-290140. You know that as a Judge that is not proper to reserve the same warrant that I was served with Oct 6, 2010 and state that you gave me a bond for it and you don't even have a recording of a bond hearing held March 17, 2011 for me nor did you give me a copy of a checklist nor did I sign any condition of a PR bond.

I am informing you that I am sending a copy of this letter to be filed with the Colhoun County Clerk of Court Kenneth Hasty and with the District Court of South Carolina. Will you please get back with me about this matter. You know that we didn't have a bond hearing March 17 2011.

Sincerely
Nathaniel Gold
Nathaniel Gold

STATE OF SOUTH CAROLINA
Municipality of St. Matthews
County of Calhoun
Warrant No. 6-2 90140

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CERTIFICATE OF SERVICE

I Nathaniel Gold, the defendant do hereby certify that I've submitted a copy of this letter to Judge Robert Hill Lake of the St. Matthews Magistrate by placing a copy of the same in the mail here at Orangeburg-Calhoun Reg. Detention Center, using U.S. mail services, to Judge Robert Hill Lake, Calhoun County Clerk of Court. Kenneth Hasty, U.S. District Court Clerk. Larry Propes.

This Certificate of Service is respectfully submitted on this 25 day of April, 25 2011

April 25, 2011
Orangeburg, SC 29116

Nathaniel Gold
Nathaniel Gold
Orangeburg, SC
29116